

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|----------------------------|---|-------------------------|
| MICHAEL E. ACEVEDO, |) | |
| |) | |
| Plaintiff(s), |) | |
| |) | |
| vs. |) | Case No. 4:05CV1803 RWS |
| |) | |
| CITY OF BRIDGETON. et al., |) | |
| |) | |
| Defendant(s). |) | |

MEMORANDUM AND ORDER

This matter is before me on Plaintiff Michael Acevedo's Motions to Stay [#53, #56]. On June 27, 2006, Acevedo moved under Rule 56(f) of the Federal Rules of Civil Procedure for a stay of summary judgment proceedings by Defendant Lauri Taylor [#44] until discovery was completed. On June 30, 2006, Acevedo moved under Rule 56(f) for a stay of summary judgment proceedings by Defendants City of Bridgeton, Captain Hood, Police Officer Mike Eatherly and Police Officer Dan Benson [#49] until discovery was completed.

On July 6, 2006, I ordered Acevedo to identify, in a written memorandum to the Court, within twenty days, "(1) the specific facts identified in the motions for summary judgment and the statements of material facts to which he is unable to respond to due to the lack of discovery and (2) what discovery will be required to adequately respond to the motions for summary judgment." On July 25, 2006, Acevedo responded to my order by stating that he had not received a copy of the application for detention required by R.S.M.O. § 632.305, or "[t]he so-called affidavit of Judy Acevedo" used by all the defendants in their motions for summary judgment. The remainder of Acevedo's response was comprised of legal arguments and was unresponsive to my July 6th order.

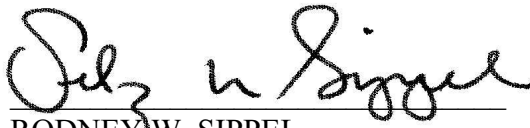
On July 27, 2006, Defendants City of Bridgeton, Captain Hood, Police Officer Mike Eatherly and Police Officer Dan Benson responded that they had previously provided Acevedo with “copies of all of the relevant documents in the defendants’ possession, including all of the Bridgeton Police Reports, the Policy and Procedure Manual for the City of Bridgeton Police Department, the Affidavit of Judy Acevedo in Support of Application for Detention Evaluation, and a complete set of his medical records from St. Joseph’s Hospital.” Acevedo responded to Defendants on August 8, 2006, stating that he had not been provided with the application for initial detention as required under R.S.M.O. § 632.305 (3), but rather had only been provided the affidavit of Judy Acevedo. Acevedo’s Motion for a Fair Trial [#63], further clarified this position.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Michael Acevedo’s Motions to Stay [#53, 56] are **GRANTED**.

IT IS FURTHER ORDERED that Defendants City of Bridgeton, Captain Hood, Police Officer Mike Eatherly and Police Officer Dan Benson shall provide Acevedo with the application for initial detention as required under R.S.M.O. § 632.305 (3), no later than **January 9, 2007**.

IT IS FURTHER ORDERED that Plaintiff Michael Acevedo shall respond to Defendants’ Motions for Summary Judgment [#44, 49] no later than **January 30, 2007**.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 21st day of December, 2006.